

Office Action Summary

Application No.

10/788,772

Applicant(s)

MANZONE, RODOLFO B.

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 - 36, 39 - 43 is/are allowed.
- 6) ☒ Claim(s) 15, 16, 37, 38, 44-48 and 50 is/are rejected.
- 7) ☒ Claim(s) 17 - 20, 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claims 15 – 16, 44 are rejected under 35 USC Sec. 102(b) as anticipated by WILSHAW. USP 6030704 to WILSHAW describes a granular oil-sorbing¹ material comprising an organic polymer, e.g., melamine-aldehyde polymer,² having both hydrophilic and hydrophobic properties (said polymer having “non-polar moieties”).³ The polymer is applied to a foamed ceramic material. The reference teaches that the foamed ceramic material may incorporate a biocide added after production of the foamed ceramic material.⁴ WILSHAW teaches use of this material to separate oil from sea and river water and other aqueous bodies.⁵ In use, the sorbant granules may be packed . . . together as beds or columns or the like to provide a barrier to . . . liquids in a flowing system, [e.g.] a . . . liquid flow, [e.g.], a liquid containing aqueous and organic phases to be separated.⁶

Filters packed with the sorbant are specifically described.⁷ Given WILSHAW's description of a packed column, the skilled artisan would have “at once envisaged” an elongated generally cylindrical structure having a flow-admitting aperture and a flow-exiting aperture, as shown, for example, by USP 5885845, 5711867, or 5156736.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over WILSHAW as applied to claim 44 above, and further in view of USP 4559066. '066 teaches that filtration of flowing water streams is not new. The reference shows a filter

¹ 6/49-54; 7/1-3, 30-67

² Abstract; 5/14-33

³ 5/62; 6/60-64

⁴ 4/28-31 (additive incorporation generally), 38 (additive may be biocide)

⁵ 1/12-15.

⁶ 7/36-45.

⁷ 7/50-57

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Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 50 depends from claim 50. It is unclear what's being claimed, i.e., which limitations of "the olefinic polymer" and "the hydrophobic copolymer" from the improperly identified base claim, i.e., those not expressly recited in claim 50, are intended to be limiting of claim 50.

Objection is also made to claim 50 under 35 USC Sec. 112, 4th paragraph, for faulty drafting of a dependent claim.


CHESTERT. BARRY
PRIMARY EXAMINER

8/20/05

571-272-1152

List of Patents and Publications For
Applicant's Information Disclosure
StatementSerial No.: ~~Div of 09/952,258~~ 10/788772

Applicants: Manzone, Rodolfo B.

Filed: February 27, 2004

Group: 1724

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Name	Class	Subclass	Filing Date (if appropriate)
CTB	A 6,543,753	04-08-2003	Tharp	261	122.2	10-12-2001
	B 6,541,569	04-01-2003	Morris et al.	525	95	04-07-1998
	C 6,531,059	03-11-2003	Morris et al.	210	164	11-13-2000
	D 2003/0047512A1	03-13-2003	France et al.	210	660	09-10-2002
	E 2003/0038084A1	02-27-2003	Mitchell et al.	210	663	08-23-2001
	F 2002/0169230	11-14-2002	Redlich et al.	523	122	02-27-2002
	G 2002/0151647	10-17-2002	Laughner et al.	525	63	02-01-2001
	H 6,403,716	06-11-2002	Nishihara	525	191	07-12-2000
	I 6,344,519	02-05-2002	Rink et al.	525	97	01-09-1998
	J 2001/0052501	12-20-2001	Sparapany et al.	210	732	04-20-2000
	K 6,231,758	05-15-2001	Morris et al.	210	163	
	L 6,182,365	02-06-2001	Tseng et al.	30	34.2	
	M 6,180,162	01-30-2001	Shigeru et al.	427	11	
	N 6,143,172	11-07-2000	Rink et al.	210	237	
	O 6,106,707	08-22-2000	Morris et al.	210	163	
	P 6,099,723	08-08-2000	Morris et al.	210	170	
	Q 6,080,307	06-27-2000	Morris et al.	210	163	
	R 6,045,596	04-04-2000	Holland, Jr. et al.	55	385.2	
	S 5,981,668	11-09-1999	Fujita et al.	525	329.9	
	T 5,954,869	09-21-1999	Elfersy et al.	106	287.16	
	U 5,863,440	01-26-1999	Rink et al.	210	693	
	V 5,744,239	04-28-1998	Buccellato et al.	428	411.1	
	W 5,651,978	07-29-1997	Tomiooka et al.	424	421	
	X 5,637,211	06-10-1997	Neff	210	170	
	Y 5,180,704	01-19-1993	Reindl, et al.	502	402	
	Z 5,006,267	04-09-1991	Vaughn et al.	210	755	
	AA 5,000,618	03-19-1991	Greenley	405	129.7	
	BB 4,923,894	05-08-1990	Kanda et al.	514	493	
CTD	CC 4,601,831	07-22-1986	Cook	210	692	

Examiner:

CHESTERT. BARRY
PRIMARY EXAMINER

Date Considered:

8/21/05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicants.

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Applicant's Information Disclosure
StatementSerial No.: ~~DIV of 09/952,258~~ 10/788772

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FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Date*	Country	Class	Subclass	Translation Yes / No
<u>CTB</u>	DD	WO 97/29830	08-21-1997	WO	45	18	No
<u>CTB</u>	EE	EP 0 539 624	12-04-1996	EP	3	06	No

*Date of Publication (U.S. date format)

OTHER ART

Examiner Initials		Author, Title, Date, Pertinent Pages, Etc.
<u>CTB</u>	FF	AbTech Industries, "Ultra-Urban Filter with OARS OnBoard", printed on 8/23/2001 from http://www.abtechindustries.com/Ultra_UrbanFilter.htm
<u>CTB</u>	GG	Villahoz, Marcelo D., "New Antimicrobial Technology for Wastewater Treatment Plants", <u>American Filtration & Separations Society Water & Wastewater Filtration Conference</u> , BioShield Technologies Inc., pp.1-41 (July 25-26, 2000)


 CHESTER T. BARRY
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